

SN 10/723,073
Docket No. S-100,587
In Response to Office Action dated June 30, 2005

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REMARKS

As Examiner has placed this application in "final" status, Applicants have attached a Request for Continued Examination to this response. Examiner has rejected Claims 1,3-5, 7 -18 based on 35 U.S.C. 103(a) obviousness rejection as being unpatentable over Lee, Jr. et al. (US# 5,731,754) in view of Proctor et al. (US# 6,054,925). Applicants respectfully traverse these rejections.

Claim 1:

Examiner states that Lee, Jr. et al. discloses an apparatus that includes all the elements of Applicant's claimed invention, to include passive components (albeit explicitly not disclosed). Further, examiner states that Proctor et al. does disclose specific passive components and that one skilled in the art would combine the teachings of Lee and Proctor to arrive at Applicant's claimed invention. Applicants respectfully traverse.

Careful review of both Lee, Jr. et al. and Proctor et al. yields that both teach digital devices that require active components to work. In Lee, Col.1, lines 34-35 denote the transmission of "digital signals". Further, Col.1, line 54 denotes the requirement that "the transponder includes circuitry for digitizing..." (emphasis added). Further, Col.5, line 14, requires the additional element of a "power supply or battery" connected to the transponder and associated circuitry, thereby indicating the active status of the transponder NOT passive status.

As specifically addressed in the response to Examiners first office action filed March 21, 2005, applicants would again note that the claims are all limited to "passive" components. As defined by applicants at page 3, lines 23-25, the word "passive" is limited "to circuit components that need no power source (*power supply or battery*) to operate and that are not semi-conductor components (*components requiring a change of state like bistables and diodes*)

Lee also teaches that the transponder includes a central processing unit (detailed in Lee's Figure 3) that utilizes digital components (see Col.5 lines 26-37). Digital

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components are considered "active" not "passive" components, as denoted previously. Thus, when the transponder in Lee is "activated" by the interrogator, the transponder is activated and the central processing unit polls various sensors, eventually transmitting the results of the polling back to the interrogator (see Col. 7, lines 26-43). Thus, the teaching in Lee mandates a transponder that relies on active components to perform its intended function.

Proctor et al. also teaches "active" digital components within the transponder. Specifically, Proctor's Figure 3 denotes the requirement of diodes D1 and D2 in conjunction with capacitors in order to charge and reverse charge to those capacitors (reference Proctor et al., Col. 3, lines 61-67, and Col. 4, lines 1-45). Thus, Examiner's contention that Lee and Proctor teach or suggest only passive components in the transponder (like Applicant's claimed invention) is in error, and, thus, there cannot be any motivation for one skilled in the art to combine the references to construct a transponder with no active components like Applicant's claimed invention.

However, to again further distinguish Applicant's claimed invention from the denoted prior art cited by examiner, Applicant's have again revised independent Claim 1 to denote that the network [transponder in cited art] consists only of passive components.

Pending Claims 3-5 and 7-18 are all dependent on Claim 1, thus, Applicants contend that as Claim 1 is now distinguished from examiner's cited prior art and therefore, non-obvious and allowable, and that all dependent claims are now allowable as well.

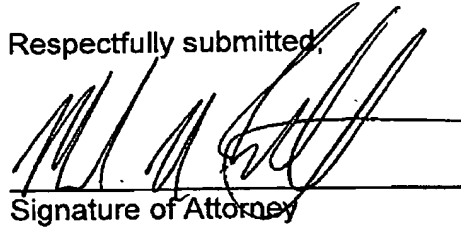
Applicants respectfully assert that Claims 1, 3-5, and 7-18, as amended, are in condition for allowance. The Examiner is requested to allow Claims 1, 3-5, and 7-18 and to pass this case to issue.

Applicants' attorney would be pleased to discuss any of the issues in this case with the Examiner if the Examiner considers such a discussion would assist in placing the case in condition for allowance.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark N. Fitzgerald', is written over a horizontal line.

Signature of Attorney

Date: 7/28/2005

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